

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

WRIT PETITION NO. 3207 OF 2004

Dilip Vasant Shinde ... Petitioner

Vs.

State of Maharashtra & Ors.	Respondents
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Mr. P.C. Kansara for Petitioner.

Mr. M.D. Naik, A.G.P. for Respondent Nos. 1 to 4.

CORAM : F.I. REBELLO,J.
DATED : DECEMBER 15, 2004

P.C.

Rule. Heard forthwith.

The limited issue which arises in this petition is the contention by the petitioner herein that in reply to the show cause notice he had called on the first authority to make available the documents which the party proposes to rely in support of show cause notice. It is his contention that those documents were not made available to him but yet were considered and formed basis of the order. This will be clearly in contravention of the principles of natural justice and fair play. It is now settled law that where several consequences are involved, the party must be given effective hearing which will include making available all material to be used against the party. That having not been

done, the first order must be set aside.

. The other grievance is that though this point was raised, in the appeal, the appellate authority has not considered the same.

. Having heard learned counsel, in my view it will be appropriate that the impugned orders are set aside and the matter is remanded back to the Respondent No. 3 to proceed afresh after making available to the Petitioners the documents which they propose to rely upon.

. Rule made absolute accordingly. NO order as to costs.

s

(F.I. REBELLO,J.)